

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF
CALIFORNIA; STATE OF ILLINOIS;
STATE OF RHODE ISLAND; STATE
OF NEW JERSEY;
COMMONWEALTH OF
MASSACHUSETTS; STATE OF
ARIZONA; STATE OF COLORADO;
STATE OF CONNECTICUT; STATE
OF DELAWARE; THE DISTRICT OF
COLUMBIA; STATE OF HAWAII;
STATE OF MAINE; STATE OF
MARYLAND; STATE OF
MICHIGAN; STATE OF
MINNESOTA; STATE OF NEVADA;
STATE OF NORTH CAROLINA;
STATE OF NEW MEXICO; STATE
OF OREGON; STATE OF
VERMONT; STATE OF
WASHINGTON; and STATE OF
WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, *in his Official
Capacity as President of the United
States*; U.S. OFFICE OF
MANAGEMENT AND
BUDGET; Russell Vought, *in his
Official Capacity as Director of the
U.S. Office of Management and
Budget*; U.S. DEPARTMENT OF
THE TREASURY; SCOTT BESSENT,
*in his Official Capacity as Secretary of
the Treasury*; PATRICIA COLLINS,
*in her Official Capacity as Treasurer
of the U.S.*; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DOROTHY A. FINK, M.D., *in her*

C.A. No. 25-cv-39-JJM-PAS

Official Capacity As Acting Secretary)
Of Health And Human Services; U.S.)
DEPARTMENT OF EDUCATION;)
DENISE CARTER, *in her Official*)
Capacity as Acting Secretary of)
Education; U.S. FEDERAL)
EMERGENCY MANAGEMENT)
AGENCY; CAMERON HAMILTON,)
in his Official Capacity as Acting)
Administrator of the U.S. Federal)
Emergency Management Agency; U.S.)
DEPARTMENT OF)
TRANSPORTATION;)
SEAN P. DUFFY, *in his Official*)
Capacity as Secretary of)
Transportation; U.S. DEPARTMENT)
OF LABOR; VINCE MICONE, *in his*)
Official Capacity as Acting Secretary)
of Labor; U.S. DEPARTMENT OF)
ENERGY; CHRISTOPHER ALLEN)
WRIGHT, *in his Official Capacity as*)
Secretary of the U.S. Department of)
Energy; U.S. ENVIRONMENTAL)
PROTECTION AGENCY; LEE)
MICHAEL ZELDIN, *in his Official*)
Capacity as Administrator of the U.S.)
Environmental Protection Agency;)
U.S. DEPARTMENT OF)
HOMELAND SECURITY; KRISTI)
NOEM, *in her Capacity as Secretary*)
of the U.S. Department of Homeland)
Security; U.S. DEPARTMENT OF)
JUSTICE; JAMES R. McHENRY III,)
in his Official Capacity as Acting)
Attorney General of the U.S.)
Department of Justice; THE)
NATIONAL SCIENCE)
FOUNDATION; and DR.)
SETHURAMAN PANCHANATHAN,)
in his Capacity as Director of the)
National Science Foundation,)
)
Defendants.)

ORDER

First, to be clear and to reaffirm the Court's Orders, the Temporary Restraining Order ("TRO") permits the Defendants to limit access to federal funds "on the basis of the applicable authorizing statutes, regulations, and terms." ECF No. 50 at 12. The February 10, 2025 Order (ECF No. 96) does not "bar[] both the President and much of the Federal Government from exercising their own lawful authorities to withhold funding without the prior approval of the district court." ECF No. 102 at 2. Neither the TRO (ECF No. 50), nor the Court's subsequent Order (ECF No. 96) require the Defendants to seek "preclearance" from the Court before acting to terminate funding when that decision is based on *actual authority in the applicable statutory, regulatory, or grant terms*.

Second, the Court will act with alacrity in issuing an Order on the Defendants' Motion to Stay (ECF No. 100).

Third, the Defendants have filed two additional motions relating to the TRO: the "Emergency Motion Requesting Ruling by 11 a.m. on February 12 for Permission to Continue Withholding [Federal Emergency Management Agency ("FEMA")] and Other Funding" (ECF No. 102) and the "Supplemental Motion Requesting Permission to Continue Payment Review Processes" (ECF No. 103). As to FEMA funds to New York City, the Defendants represent that they intend to provide "notice to New York City regarding the funding pause and will provide the information and process required by regulation and the terms and conditions of the award." ECF No. 102-1 at ¶ 13. Because the Defendants are seeking to terminate *funding "on the basis*

of the applicable authorizing statutes, regulations, and terms,” ECF No. 50 at 12 (emphasis added), the Court sees no need for further clarification. Finally, nothing in the TRO prevents the Defendants from continuing to use routine processes that the Payment Management Services (PMS) asserts it has used “for decades,” ECF No. 103-1 at ¶ 4, before the Defendants imposed the categorical funding freeze that is the subject of the TRO.

Therefore, the Court REAFFIRMS the TRO, DENIES the Defendants’ “Emergency Motion Requesting Ruling by 11 a.m. on February 12 for Permission to Continue Withholding FEMA and Other Funding” (ECF No. 102) and DENIES as moot the Defendants’ “Supplemental Motion Requesting Permission to Continue Payment Review Processes” (ECF No. 103).

IT IS SO ORDERED.

/s/John J. McConnell, Jr.

John J. McConnell, Jr.
Chief Judge
United States District Court for the District of Rhode Island
February 12, 2025